

REMARKS

Claims 39-55 were rejected and remain pending. Claims 39 and 53-55 have been amended herein to recite a 7:20 cis-acting ribozyme comprising the sequence of SEQ ID NO:53 from position 7 to position 91 and to recite a 18:7 cis-acting ribozyme comprising the sequence of SEQ ID NO:53 from position 110 to position 190.

A substitute Sequence Listing is submitted herewith to correct multiple errors, thereby placing the Sequence Listing in conformance with the specification. In addition, the specification has been amended to insert sequence identifiers and to correct a typographical error at page 49, line 21. As can be seen the other presented sequences on page 49, an "F" was mistakenly used in place of a "G." Applicants' note that SEQ ID NO:50 contains the sequence presented in Figure 3 having the "internal ribozyme insert," while SEQ ID NO:53 contains the sequence presented in Figure 3 having the "spacer."

Applicants' originally filed specification fully supports these amendments. For example, Figure 3 discloses two sequences: the sequence of SEQ ID NO:50, which contains the "internal ribozyme insert" sequence and the sequence of SEQ ID NO:53, which contains the "spacer" sequence. Figure 3 also discloses a 7:20 cis-acting ribozyme, which starts with the "U" at position 7 of SEQ ID NO:53 and extends to the "A" at position 91 of SEQ ID NO:53, and a 18:7 cis-acting ribozyme, which starts with the "C" at position 110 of SEQ ID NO:53 and extends to the "G" at position 190 of SEQ ID NO:53. Thus, no new matter has been added.

In light of these amendments and the following remarks, Applicants respectfully request reconsideration and allowance of claims 39-55.

Examiner Interview

The assignee's attorney thanks Examiner Epps-Smith for the courtesy of the telephonic interview held on May 12, 2009. The substance of that interview involved a discussion of Figure 3 and possible claim amendments along the lines of those presented herein.

Withdrawn rejections

Applicants acknowledge the withdrawal of rejections under 35 U.S.C. §§ 102(e) and 103(a).

Rejections under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 39-55 as allegedly lacking support for SEQ ID NO:53 and 54.

Applicants respectfully disagree. To further prosecution, however, claims 39 and 53-55 have been amended herein to remove reference to SEQ ID NO:53 or SEQ ID NO:54. In addition, the specification has been amended herein to replace the Sequence Listing currently of record with the Sequence Listing attached hereto. This concurrently filed Sequence Listing does not contain the previously presented SEQ ID NOs:53 and 54. As noted above, this concurrently filed Sequence Listing contains a correction to SEQ ID NO:50 and contains additional SEQ ID NO:53, which is the sequence presented in Figure 3 containing the “spacer” as opposed to the “internal ribozyme insert” sequence. Thus, the presently presented claims do not lack support.

For at least these reasons, Applicants respectfully request withdrawal of the rejection of claims 39-55 under 35 U.S.C. § 112, first paragraph.

Objection under 35 U.S.C. § 132

The Examiner objected to the amendment to the specification filed October 16, 2008, as allegedly containing new matter.

Applicants respectfully disagree. To further prosecution, however, claims 39 and 53-55 have been amended herein to remove reference to SEQ ID NO:53 and SEQ ID NO:54. In addition, the specification has been amended herein to replace the Sequence Listing currently of record with the Sequence Listing attached hereto. Again, this concurrently filed Sequence Listing does not contain the previously presented SEQ ID NOs:53 and 54. As noted above, it contains a correction to SEQ ID NO:50, and it contains additional SEQ ID NO:53, which is the sequence presented in Figure 3 containing the “spacer” as opposed to the “internal ribozyme insert” sequence. Thus, the specification does not contain new matter.

In light of the above, Applicants respectfully request withdrawal of the objection under 35 U.S.C. § 132(a).

Applicant : James S. Norris et al.
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CONCLUSION

Applicants assert that claims 39-55 are in condition for allowance, which action is respectfully requested. The Examiner is invited to telephone the undersigned attorney if such would expedite prosecution. No fee is believed due at this time. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: May 19, 2009

/J. Patrick Finn III, Reg. No. 44,109/
J. Patrick Finn III, Ph.D., J.D.
Reg. No. 44,109

Fish & Richardson P.C.
60 South Sixth Street
Suite 3200
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (877) 769-7945